



House of Representatives

General Assembly

File No. 509

January Session, 2005

Substitute House Bill No. 5858

House of Representatives, April 25, 2005

The Committee on Government Administration and Elections reported through REP. CARUSO of the 126th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE ROUTE 11 GREENWAY AUTHORITY COMMISSION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 13a-153 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2005*):

4 (b) Each person, firm or corporation using the pedestrian walks,
5 bicycle paths, bridle paths, entrances or exits provided for in section
6 13a-141, [section] 13a-141a or 13a-142e, as amended by this act, or
7 using any lane or other part or facility of any highway, road, bridge or
8 parking facility provided by the state for bicycle traffic or using the
9 walk or path connections provided for in section 13a-142, shall do so at
10 his, her or its own risk, and no liability shall accrue to the state or any
11 agency, including the Route 11 Greenway Authority Commission
12 created under section 13a-142e, as amended by this act, or employee of

13 the state for any injuries or damages to any person or property which
14 may result, either directly or indirectly, from the use of such walks,
15 paths, entrances, exits or connections.

16 Sec. 2. Subsection (d) of section 13a-142e of the general statutes is
17 repealed and the following is substituted in lieu thereof (*Effective*
18 *October 1, 2005*):

19 (d) Notwithstanding any other provision of this section or the
20 general statutes, the commission may: (1) Acquire or convey by
21 purchase, gift, lease, devise, exchange or otherwise, any land or
22 interest therein including, but not limited to, conservation easements,
23 located wholly or partly in the conservation zone, provided such
24 acquisition does not utilize funds furnished by the state; (2) transfer,
25 with the approval of the commissioner, any land or interest therein to
26 the state with or without consideration, provided any funds received
27 therefor shall not be deemed funds furnished by the state for the
28 purposes of this section; [and] (3) contribute or transfer funds to, and
29 enter into agreements with, land trusts or other conservation
30 organizations, to carry out the purposes of public act 00-148; and (4)
31 request the Commissioner of Transportation to acquire an interest in
32 real property for use as part of the Route 11 Greenway trail system
33 and, if acquired by said commissioner, accept the transfer of custody
34 and control of such interest from said commissioner. Said
35 commissioner may acquire any interest in real property for use as part
36 of the Route 11 Greenway trail system in the same manner and with
37 like powers as authorized and exercised by said commissioner in
38 acquiring real property for highway purposes and may, upon request
39 of the commission and pursuant to an act of the General Assembly,
40 transfer custody and control of such interest in real property to the
41 commission. The commission shall report to the General Assembly, on
42 or before February fifteenth, annually, on its activities of the preceding
43 year and on its finances. The existence of the commission shall
44 terminate at such time as all of its member towns have withdrawn or it
45 is abolished by the General Assembly.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2005</i>	13a-153(b)
Sec. 2	<i>October 1, 2005</i>	13a-142e(d)

TRA *Joint Favorable C/R*

GAE

GAE *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Transportation	TF - See Below	See Below	See Below

Note: TF=Transportation Fund

Municipal Impact: None

Explanation

The bill allows the Department of Transportation to acquire land for use as part of a greenway trail system in the same manner the agency currently acquires land for highways. It also allows the agency to transfer such acquisition to the Rt. 11 Greenway Commission. The bill is unclear what the funding source for acquiring such property is.

OLR Bill Analysis

sHB 5858

AN ACT CONCERNING THE ROUTE 11 GREENWAY AUTHORITY COMMISSION**SUMMARY:**

This bill authorizes the Route 11 Greenway Authority Commission to request the transportation commissioner to acquire an interest in real property for use as part of the Route 11 Greenway trail system and, if the commissioner acquires any such interest, to transfer custody and control of it to the commission pursuant to a legislative act.

The bill also specifically makes the Greenway Authority Commission immune from liability for use of any pedestrian walks, bicycle paths, bridle paths, entrances, or exits it provides in the Route 11 Greenway by making use of such facilities at the user's risk. Currently, this immunity from liability exists generally for state agencies and employees with respect to the use of pedestrian walks; bicycle paths and lanes; bridle paths; and the entrances, exits, or connections to them, along state-maintained highways.

The bill authorizes the transportation commissioner to acquire property interests at the request of the greenway authority commission in the same ways he can acquire real property for highway purposes, including through condemnation.

EFFECTIVE DATE: October 1, 2005

BACKGROUND***Route 11 Greenway Authority Commission***

The law allows the towns of East Lyme, Montville, Salem, and Waterford to establish the Route 11 Greenway Authority Commission, which they have done. Each town has one member and one alternate member on the commission, as does the Southeastern Connecticut Council of Governments. The transportation and environmental protection commissioners also are members. The commission must hold public hearings to develop standards for (1) defining the initial

boundaries of the Route 11 Greenway; (2) planning its design, construction, maintenance and management; (3) identifying and prioritizing land that should be added to the greenway; (4) recommending land use within the greenway; and (5) acquiring land and securing conservation easements for the greenway. The commission may not use state funds for acquisitions. It may transfer land or interests in land it acquires to the state, but has no specific authority to directly request state agencies to purchase land or easements for the greenway.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Change of Reference

Yea 28 Nay 0

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 18 Nay 0